

## Q&amp;A

On Assignment in  
Dependency Court*Conversation With Justice Richard D. Huffman*

Justice Richard D. Huffman  
Court of Appeal,  
Fourth  
Appellate District

*Appellate justices are the ultimate generalists, according to Justice Richard D. Huffman, Court of Appeal, Fourth Appellate District. However, in recent months, Justice Huffman has worked as a judicial specialist, volunteering for a special assignment in juvenile dependency court.*

*From the last week in February until his assignment ended the first week in May, Justice Huffman served as a trial court judge in the juvenile dependency court in the Meadowlark facility of the Superior Court of San Diego County. This facility houses the county's principal juvenile courts, which consist of three dependency courts and a series of delinquency courts.*

*For someone who originally intended to become a business lit-*

*igator, Justice Huffman is no stranger to the criminal justice system. After graduating with a law degree from the University of Southern California in 1965, he joined the California Department of Justice as a deputy attorney general (1966-1971). From there, he took a position with the San Diego District Attorney's Office, serving as chief deputy district attorney from 1971 to 1981 and as assistant district attorney from 1981 to 1985.*

*Justice Huffman has shared his experience and expertise in criminal law with others in the legal system. He teaches courses in criminal law and procedure and mental defenses as an adjunct professor at the University of San Diego and is the former director of the university's Center for Criminal Justice Policy and Management. He is a fellow of the American College of Trial Lawyers and is an honorary diplomate of the American Board of Trial Advocates.*

**"[B]y taking local court assignments, appellate justices gain a healthy perspective on the challenges faced by trial judges when making decisions on the exercise of discretion and evidentiary rulings."**

*Justice Huffman began his career on the bench of the Superior Court of San Diego County in 1985 and in 1988 was elevated to the Court of Appeal, Fourth Appellate District. In 1996, Chief Justice Ronald M. George appointed him to the Judicial Council, where he serves as chair of the Executive and Planning Committee.*

*Court News spoke with Justice Huffman regarding his as-*

**Tell us how you came to the assignment in the San Diego County juvenile dependency court?**

I chose this assignment for several reasons. First, since I've been on the Court of Appeal, I've been working in the trial courts for some period of time virtually each year. So, this is part of my annual "return to reality" in the trial courts. Second, our court has a substantial caseload of dependency work on appeal. Division One of the Court of Appeal, Fourth District, has a fast-track program for resolving juvenile dependency appeals. Since the appellate court is committed to

this process, I felt I should see the dependency court firsthand and get a feel for how it operates. Third, it is important for me to experience this operation as a member of the Judicial Council. The council has been concerned about the lack of adequate resources for family and juvenile courts. Finally, I think this is one

of the most important areas of the court system. Family and juvenile court is a place to which we should be willing to dedicate time and resources.

**Are assignments like this standard for appellate justices? What are the advantages to taking these kinds of temporary positions?**

As far as I know, there are only a few appellate justices who take

the exercise of discretion and evidentiary rulings.

**What is your overall impression of the juvenile dependency court in San Diego County?**

I have been impressed by the way court officers are managing the difficult conditions and tremendous workload. Judges and referees are heavily burdened with a continuing line of cases. Attorneys usually have far more cases than probably is reasonable to handle.

**How have these courts changed in recent years?**

The law in dependency court has changed dramatically in the last 10 to 12 years. The Legislature has emphasized a preference for adoption in cases where reunification with the parent is impossible, and it has also stressed that the processes be sped up for reunification or establishing permanency for children.

**What are the benefits for the parties involved in a juvenile dependency court like the one in San Diego?**

From the perspective of the public, we are helping families get back together on a more stable

basis and giving children a better chance in life. I am very impressed with programs here in San Diego County. Judge [James R.] Milliken and the other judges are almost crusaders in their efforts to address problems such as substance abuse. This court has a very aggressive substance abuse recovery system that has recorded some remarkable results and has almost reversed the rate of parent-child reunifi-

cation. Reunifying qualified individuals with their children and shortening the children's stay in foster homes is a great service to the parties involved in the system. And in cases where reunification is not possible, the court is achieving finality by getting kids into permanent placements. A judge can do more good for the public in a courtroom like this in one week than in two to three years in another assignment.

**What effect do you think collaborative justice courts such as dependency court will have on the criminal justice system?**

Down the road, there is going to be further pressure on the judicial system to try and deliver courts like these. Based upon what I've seen and the statistics available in the system I'm working in right now, the court has made enormous strides to benefit the public. The court's recovery system has saved far more money than it has cost. These courts are cutting not only financial cost but, more importantly, social costs to the children in foster care. Collaborative courts, properly run, have a place in the judicial system and will probably expand over time.

**What is the biggest challenge that collaborative justice courts face?**

Part of the difficulty in operating these courts is that we have not allocated to them the necessary share of resources. We need to encourage governors to make additional judicial appointments and have other judges willing to work in the areas of juvenile and family law. It makes no sense to have the smallest percentage of

judges in the areas that have the highest impact on the public. Something is out of balance when we have family courts with cramped quarters, heavy calendars, and much of the work being done by pro tems and subordinate judicial officers.

**What should the Judicial Council's role be in relation to collaborative justice courts?**

The council's role should be to set a policy for the state that demonstrates the importance of family, juvenile, and other collaborative justice courts. The council needs to make it clear that this is a statewide priority when advocating for resources, and it should encourage local courts to allow for adequate funding for their own programs. In addition, the council needs to provide leadership in finding a way to encourage the brightest in our judiciary to volunteer for these valuable assignments. ■



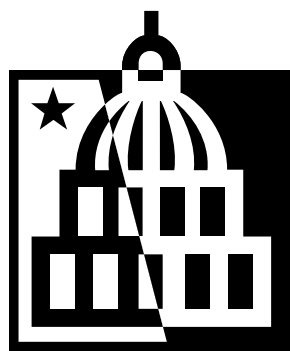




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# Congress Addressing Appropriations, Juvenile Justice, and Information Systems

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## Watch on Washington

### FY 2002 Appropriations

The fiscal year 2002 appropriations policy season began on February 28 when the President submitted a broad outline of his proposed budget to Congress. As often happens in Washington, "the devil is in the details" and the President's budget is just the first (though important) round.

According to the President's budget, the State Justice Institute is to receive \$6.85 million (FY 2001 funding) and the Legal Services Corporation (LSC) is allocated \$329 million (also FY 2001). The LSC, however, may have additional trouble in Congress this year in the aftermath of the U.S. Supreme Court decision in *LSC v. Velazquez* handed down on February 28, 2001. In this decision, the Court struck down a congressional ban on LSC lawyers going to court on behalf of their clients to challenge the validity of welfare laws and regulations, a restriction imposed since 1996. Congress could retaliate in the budget process.

The U.S. Department of Justice (DOJ) may also be in trouble from a funding perspective. Commenting on the DOJ's state and local grant assistance programs, the budget states, "The 2002 Budget proposes redirecting \$1.5 billion (of about \$4.5 billion) from programs that have accomplished their initial objective, have been awarded on a noncompetitive basis through legislative action (earmarks), or are otherwise of questionable merit. The reallocation will permit increases for Federal law enforcement agency priorities, as well as for selected state and local grants." The Violence Against Women Act is the only program of interest to state courts that is specifically cited as a priority for these reallocated dollars.

The President promises to

present a more detailed budget proposal the second week of April (*not available at press time*), and congressional activity is sure to follow. Given the close partisan divisions in the House and the even split in the Senate, this promises to be a long appropriations season.

### Juvenile Justice—H.R. 863

On March 28, the House Judiciary Committee reported out favorably H.R. 863, the Consequences for Juvenile Offenders Act of 2001. H.R. 863 would authorize \$1.5 billion in grants to "States, for use by States and units of local government" over a three-year period. As such, it provides authorization language for the Juvenile Accountability Block Grants (\$250 million in FY 2001), which have been in existence for four years based solely on appropriation language.

H.R. 863 is noteworthy in that it has almost no conditions states must meet to receive funds, merely requiring them to have "graduated sanctions" in order to qualify (and has some exceptions even to that condition). In the 106th Congress a similar authorization bill (H.R. 1501) got caught up in an "Omnibus Crime Bill" that had restrictions on gun sales in the Senate version as well as severe punishments for juveniles and "moral" mandates in the House version. This year, H.R. 863 has bipartisan support and a chance of passage, at least in the House, without similarly controversial amendments.

H.R. 863's major drawback, from a state court perspective,

is the fact that it is basically a revenue-sharing bill, which means the funds will be controlled by the state and local executive branches. The National Center for State Courts' (NCSC) Office of Government Relations is attempting to change this but, so far, has been thwarted by Department of Justice opposition to allowing state courts to apply for funds directly.

### Integrated Information Systems

The Office of Justice Programs (OJP) held two meetings in March to encourage coordination of standards development efforts for automated information systems. Attendees at the first meeting, on March 1-2, included representatives from law enforcement, probation, the National Technology and Information Administration (the old Bureau of Standards), courts, FBI, and the private sector.

The recommendations from that meeting were based on the assumption that the primary energy for developing standards is likely to come from various disciplines and organizations. Therefore, what is needed is a national body that will encourage these groups to coordinate their efforts on issues of common concern. The meeting participants recommended that the Global Justice Information Network Advisory Committee (Global) serve as the coordinating body because it is, in effect, a "group of groups."

Global's membership consists of delegates from 30 different associations of state and local

officials representing all of the disciplines involved in criminal justice. These include law enforcement, adult courts, juvenile courts, corrections, prosecutors, public defenders, federal agencies such as the FBI and Treasury, and groups not usually thought of as part of the justice community such as motor vehicles administrators. Global was formed by Attorney General Janet Reno to advise her on the future development of justice information systems.

On March 15, the reconstituted Global Committee (that now includes representatives from the Conference of State Court Administrators and the National Association for Court Management) agreed to be the coordinating body that will facilitate the development of standards for integrated automated information systems. It assigned this task to its Subcommittee on Infrastructure, which is chaired by Gerry Wethington, Chief Information Officer for the State of Missouri.

On March 28, the OJP held a meeting regarding the development of standards for the use of XML (eXtensible Markup Language) in justice activities. Represented at this meeting were groups such as Legal XML, the Joint Task Force on Rap Sheet Standardization, National Association of State Information Resource Executives, National Law Enforcement Telecommunications System (NLETS), the NCSC, and several state agencies. It became clear during the discussion that there were many areas of common interest among these agencies' initiatives (e.g., personal descriptions, motor vehicle summaries, etc.) that would benefit from a consensus on XML "tags." However, the meeting proved too brief to reach closure on which standards should be used. OJP is expected to take the initiative in establishing a venue for further negotiations to take place, perhaps under the auspices of Global. ■

## National Conference Spotlights Drug Courts

The National Association of Drug Court Professionals (NADCP) continues its push to expand the drug court movement with its Seventh Annual Training Conference, to be held in New Orleans from May 31 to June 1. This year's conference, the theme of which is "Changing the Face of Criminal Justice," will showcase practitioners who are creating innovative programs and initiatives for existing and future drug courts.

During the conference, four plenary sessions will explore different aspects of drug courts. These sessions include "Mother/Child Bonds: Louisiana Drug Court Graduates Tell Their Stories," in which drug court graduates describe how the process helped steer them to recovery and unite them with their previously estranged children; "Why Can't I Drink in Drug Court," which will foster debate on the role of alcohol when it is encompassed by the treatment regimen of a drug court environment; and "How Can the

Drug Court Movement Partner Effectively With State and Local Drug Abuse Directors," in which drug court practitioners and representatives of the National Association of State Alcohol and Drug Abuse Directors will discuss the start-up, development, and maintenance of drug courts and how state and local drug abuse authorities can play a role in the process.

The conference will also offer a variety of workshops on issues such as drug court self-assessment, cultural competence, the pharmacology of addiction, corporate presentation of drug testing, reentry drug courts, DUI/drug courts, and treatment of special populations.

● For more information on the NADCP's Seventh Annual Training Conference, contact Dean Schultheiss at 703-706-0576 or visit the association's Web site at [www.nadcp.org](http://www.nadcp.org).